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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,778	07/15/2003	James Pate	02-5976	1134

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

Office Action Summary	Application No.	Applicant(s)	
	10/620,778	PATE, JAMES	
	Examiner	Art Unit	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made of Amendment filed August 7, 2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-6, 10-17, 27-28, and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholson (US 6,724,308).

Re claims 1, 5-6, 10-11, 27-28, and 31-32: Nicholson teaches a method for manufacturing a data storage device (container 102 in figs. 11-12), comprising placing a RF tag (116 in fig. 12; 64 in fig. 6) on a data storage device (102; col. 10, lines 39-42); and

assembling the data storage device based on the RF tag (116, 64), wherein the RF tag provides information on an assembly method of the data storage device (col. 10, lines 25-32; col. 7, line 45 through col. 8, line 67), and the data storage device (102) is a drive tray or a controller (col. 9, line 44 through col. 11, line 33; col. 6, lines 10-51).

Re claims 12-17: Nicholson teaches a method for tracking and utilizing a data storage device (102), comprising

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entering information about a data storage device (102) into a database (col. 5, lines 51-57) through reading a RF tag placed on the data storage device when a customer receives the data storage device from a manufacturer (col. 10, line 51 through col. 11, line 12); and

storing the data storage device in an inventory based on the RF tag, wherein the RF tag contains hardware and software configuration information about the data storage device, and the data storage device is a drive tray or a controller (col. 10, line 4 through col. 11, line 13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 7-9, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholson in view of Stevens, III (US 6,747,560). The teachings of Nicholson have been discussed above.

Although, Nicholson teaches the RFID tag can be read/written on by the RFID reader/writer (col. 8, lines 52-57), which the RFID tag must include a memory to store the read/written information with the RFID reader/writer.

However, Nicholson does not specifically teach wherein the RFID tag is a read-only tag.

Stevens, III teaches an RFID label (30, 18), which is attached to item (16) so that the movement and packing information of the item (16) would be tracked/recorded (col. 2, lines 25-30; col. 3, line 66 through col. 4, line 15). The RFID label (30) also includes a memory (32), which is a read-only memory (col. 3, lines 16-23).

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It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the well-known read-only-memory/programmable-ROM (ROM/EPROM) within the RFID tag as taught by Stevens, III to the teachings of Nicholson in order to provide a RFID tag, which includes a read-only memory (ROM) for one-time use, or a programmable ROM (EPROM) for repeated use (col. 3, lines 16-23) as desired.

Response to Arguments

6. Applicant's arguments filed August 7, 2006 have been fully considered but they are not persuasive.

7. In response to applicant's argument that "However, because a drive tray is referenced nowhere in Nicholson, Nicholson cannot be construed as disclosing, teaching or suggesting that its container (102) is a drive tray. Further, nowhere in Nicholson is it disclosed, taught, or suggested that its container (102) is a controller." (see page 3, last 2 lines through page 4, line 3); however, the examiner respectfully submits that the presently claimed language "drive tray" or "controller," standing alone without a prescriptive definition, which does not patentably distinguish/differentiate the drive-tray/controller from the storage container 102 of the Nicholson reference. The claimed language, such as, "...said data storage device is a drive-tray or controller" (last line of independent claim 1, for example); wherein the drive-tray/controller does not provide a descriptive/structural definition to overcome the storage container 102 as set forth in the Nicholson reference. Accordingly, the recitation "...said data storage device is a drive-tray or controller" broadly interpreted as the storage container 102.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 28, 2006


KIMBERLY D. NGUYEN
PRIMARY EXAMINER